

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) AND TO
ENTRY OF JUDGMENT FOR
PLAINTIFF**

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Under Fed. R. Civ. P. 25(d), Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit because of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 testimony and identify a significant number of jobs available in the national economy that Plaintiff can
2 perform. The ALJ should reevaluate the step-five findings, as necessary.

3 Remand should be made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*,
4 501 U.S. 89 (1991). Plaintiff should be entitled to reasonable attorney fees and expenses pursuant to
5 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff should be entitled to costs as
6 enumerated in 28 U.S.C. § 1920, under 28 U.S.C. § 2412(a).

7 The parties further request that the Clerk of the Court be directed to enter a final judgment in
8 favor of Plaintiff and against Defendant, reversing the Commissioner's final decision.
9

10
11 Dated: February 14, 2024

Respectfully submitted,


12 /s/ Marc Kalagian
13 MARC KALAGIAN
14 (*as authorized via email on January 31, 2024)
Attorney for Plaintiff

15
16 Dated: February 14, 2024

Respectfully submitted,

17 JASON M. FRIERSON
United States Attorney
18 /s/ Jeffrey E. Staples
19 JEFFREY E. STAPLES
20 Special Assistant United States Attorney
Attorneys for Defendant

21
22 IT IS SO ORDERED:

23 
24 HON. BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

25 DATED: 2/16/2024

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 6401 Security Boulevard, Baltimore, MD 21235. I am not a party to the above-entitled action. On the date set forth below, I caused a copy of the above **STIPULATION TO VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO ENTRY OF JUDGMENT FOR PLAINTIFF** to be served upon the following by:

CM/ECF:

Marc Kalagian

Marc.Kalagian@rksslaw.com

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 14, 2024

/s/ Jeffrey E. Staples

JEFFREY E. STAPLES

Special Assistant United States Attorney